

August 3, 2005

**MINUTES OF A REGULAR MEETING OF  
THE TORRANCE PLANNING COMMISSION**

**1. CALL TO ORDER**

The Torrance Planning Commission convened in a regular session at 7:03 p.m. on Wednesday, August 3, 2005, in City Council Chambers at Torrance City Hall.

**2. SALUTE TO THE FLAG**

The Pledge of Allegiance was led by Commissioner Drevno.

**3. ROLL CALL**

Present: Commissioners Drevno, Faulk, Guyton, Horwich, LaBouff, Muratsuchi and Chairperson Uchima.

Absent: None.

Also Present: Planning Manager Isomoto, Planning Associate Santana, Building Regulations Administrator Segovia, Fire Marshal Carter, Associate Civil Engineer Symons, and Deputy City Attorney Whitham.

**4. POSTING OF THE AGENDA**

**MOTION:** Commissioner Horwich, seconded by Commissioner Faulk, moved to accept and file the report of the secretary on the posting of the agenda for this meeting; voice vote reflected unanimous approval.

**5. APPROVAL OF MINUTES**

**MOTION:** Commissioner Horwich moved for the approval of the June 15, 2005 Planning Commission minutes as submitted. The motion was seconded by Commissioner Muratsuchi; voice vote reflected unanimous approval.

**6. REQUESTS FOR POSTPONEMENT**

None.

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Chairperson Uchima reviewed the policies and procedures of the Planning Commission, including the right to appeal decisions to the City Council.

7. **TIME EXTENSIONS** – None.

8. **CONTINUED HEARINGS**

8A. **CUP05-00016, CUP05-00017, CUP05-00018, TTM062670: LA CHARITE HOMES, INC (SUBTEC – CHERYL VARGO)**

Planning Commission for approval of three Conditional Use Permits and a Tentative Tract Map to allow the construction of three separate two-unit detached condominium projects on property located in the R-2 Zone at 18516 Mansel Avenue.

**Recommendation**

Approval.

Planning Associate Santana introduced the request.

Cheryl Vargo, representing the applicant, noted that this item was continued because she had concerns about some of the conditions and reported that these issues had been resolved and she was in agreement with the recommended conditions.

**MOTION:** Commissioner Muratsuchi, seconded by Commissioner Horwich, moved to close the public hearing; voice vote reflected unanimous approval.

**MOTION:** Commissioner Horwich moved for the approval of CUP05-00016, CUP05-00017, CUP05-00018 and TTM062670, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Drevno and passed by unanimous roll call vote.

Planning Associate Santana read aloud the number and title of Planning Commission Resolution Nos. 05-094, 05-095, 05-096 and 05-097.

**MOTION:** Commissioner Horwich moved for the adoption of Planning Commission Resolution Nos. 05-094, 05-095, 05-096 and 05-097. The motion was seconded by Commissioner Drevno and passed by unanimous roll call vote.

9. **WAIVERS**

9A. **WAV05-00014: CRAIG AND SHARON AKIOKA**

Planning Commission consideration for approval of a Waiver to allow a reduction in the rear yard setback requirement for a one-story, single-family residence in conjunction with the conversion of a covered patio to a master bedroom suite on property located in the R-1 Zone at 2025 W. 186<sup>th</sup> Street.

**Recommendation**

Approval.

Planning Associate Santana introduced the request.

Craig Akioka, applicant, voiced his agreement with the recommended conditions of approval.

**MOTION:** Commissioner Faulk moved for the approval of WAV05-00014, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Guyton and passed by unanimous roll call vote.

Planning Associate Santana read aloud the number and title of Planning Commission Resolution No. 05-099.

**MOTION:** Commissioner Muratsuchi moved for the adoption of Planning Commission Resolution No. 05-099. The motion was seconded by Commissioner Faulk and passed by unanimous roll call vote.

## **10. FORMAL HEARINGS**

### **10A. TTM53625R: ANASTASI DEVELOPMENT COMPANY**

Planning Commission consideration for approval to reinstate an expired Vesting Tentative Tract Map for a 112-unit senior condominium project on property located in the Hawthorne Boulevard Corridor Specific Plan in Del Amo Business Sub-District Two at 21345 Hawthorne Boulevard.

#### **Recommendation**

Approval.

Planning Associate Santana introduced the request.

Cheryl Vargo, representing the applicant, reported that Anastasi Development was requesting that this tract map be reinstated because they forgot to apply for an extension before it expired. She requested that the Commission considering amending the Code to extend the time Tentative Tract Maps are valid from two years to three because it has become increasingly difficult to complete the process within the two-year timeframe, particularly for larger projects.

With the concurrence of the Commission, Commissioner Horwich requested that staff bring forward an item on extending the term of Tentative Tract Maps at a future date.

**MOTION:** Commissioner Drevno, seconded by Commissioner Horwich, moved to close the public hearing; voice vote reflected unanimous approval.

**MOTION:** Commissioner Horwich moved for the approval of TTM53625R, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Muratsuchi and passed by unanimous roll call vote.

Planning Associate Santana read aloud the number and title of Planning Commission Resolution No. 05-100.

**MOTION:** Commissioner Drevno moved for the adoption of Planning Commission Resolution No. 05-100. The motion was seconded by Commissioner Guyton and passed by unanimous roll call vote.

**10B. TTM53477R: MICHAEL MULLIGAN DEVELOPMENT (SUBTEC-CHERYL VARGO)**

Planning Commission consideration for approval to reinstate an expired Vesting Tentative Tract Map for a 13-unit condominium project on property located in the R-3 Zone at 2200-2248 Dominguez Street.

**Recommendation**

Approval.

Planning Associate Santana introduced the request.

Cheryl Vargo, representing the applicant, requested the extension for the same reason as discussed in Item 10A.

**MOTION:** Commissioner Horwich, seconded by Commissioner Drevno, moved to close the public hearing; voice vote reflected unanimous approval.

**MOTION:** Commissioner Muratsuchi moved for the approval of TTM53477R, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Faulk and passed by unanimous roll call vote.

Planning Associate Santana read aloud the number and title of Planning Commission Resolution No. 05-101.

**MOTION:** Commissioner Muratsuchi moved for the adoption of Planning Commission Resolution No. 05-101. The motion was seconded by Commissioner Drevno and passed by unanimous roll call vote.

**10C. CUP05-00021, DIV05-00008: CHARLES BELAK-BERGER**

Planning Commission consideration for approval of a Conditional Use Permit to allow the construction of two detached condominium units and a Division of Lot for condominium purposes on property located in the R-2 Zone at 18424 Mansel Avenue.

**Recommendation**

Approval.

Planning Associate Santana introduced the request and noted supplemental material available at the meeting consisting of revised Code requirements.

Charles Belak-Berger, project architect, voiced his agreement with the recommended conditions of approval.

**MOTION:** Commissioner Muratsuchi, seconded by Commissioner Drevno, moved to close the public hearing; voice vote reflected unanimous approval.

**MOTION:** Commissioner Muratsuchi moved for the approval of CUP05-00021 and DIV05-00008 as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Guyton and passed by unanimous roll call vote.

Planning Associate Santana read aloud the number and title of Planning Commission Resolution Nos. 05-102 and 05-103.

**MOTION:** Commissioner Guyton moved for the adoption of Planning Commission Resolution Nos. 05-102 and 05-103. The motion was seconded by Commissioner Faulk and passed by unanimous roll call vote.

**10D. CUP05-00023, DVP05-00002: KIMLEY-HORN ASSOCIATES, INC.**

Planning Commission consideration for approval of a Conditional Use Permit and a Development Permit to allow the construction of a new pre-owned automobile dealership on property located in the Hawthorne Boulevard Corridor Specific Plan in the North Torrance Sub-District at 18020 Hawthorne Boulevard (Former Circuit City building).

**Recommendation**

Approval.

Planning Associate Santana introduced the request and noted supplemental material available at the meeting consisting of revised Code requirements and correspondence.

William Beverly, representing CarMax, voiced his agreement with the recommended conditions of approval with the exception of Condition No. 20, which requires the front landscaped setback to be increased to 15 feet. He explained that the applicant was proposing an 8-foot landscaped setback, which combined with the sidewalk and the parkway, would provide a total setback of 28 feet and CarMax believes a setback of 35 feet would push the display area too far back from the street. He noted that the recently completely BMW dealership has virtually no setback.

Mr. Beverly stated that neighbors have expressed concerns about the project's impact on parking because there was an informal arrangement, which allowed them to park on the Circuit City site, however, it would be legally inappropriate to compel this applicant to provide parking for a neighboring property, which has absolutely nothing to do with the proposed use.

In response to Commissioner Horwich's inquiry, Deputy City Attorney Whitham confirmed that the City has no legal standing to require the applicant to provide parking for cars that would be displaced by this development.

Commissioner Horwich noted that Condition Nos. 12 and 22 in Resolution No. 05-105 are the same.

With regard to the front setback issue, Planning Manager Isomoto advised that due to the scope of new building, which will be larger and taller than many others along Hawthorne Boulevard, staff felt the additional landscaping was warranted. She related her understanding that the BMW dealership has an 8-foot landscaped setback.

Commissioner Guyton proposed that a condition be included prohibiting deliveries between 9:00 p.m. and 7:00 a.m.

Mr. Beverly requested a 10:00 p.m. cutoff time for deliveries and noted that there will be approximately one delivery per day.

In response to Chairperson Uchima's inquiry, Chuck Patterson, project architect, provided clarification regarding the height of the project. He explained that the peak of the canopy will be 41 feet tall, which is similar in height to the existing entry to Circuit City, and that the majority of the building will be 26 feet.

Rick Wagner, representing the surrounding neighborhood, voiced objections to the proposed project due to the impact it would have on neighborhood parking. He explained that apartment buildings in the area are greatly deficient in parking and, as a result, approximately 80 cars park in the Circuit City parking lot on a regular basis. He pointed out that these cars would have to park on neighborhood streets should the project go forward, hindering trash collection and obstructing emergency vehicles due to overcrowded streets. Additionally, some residents would be forced to park on the west side of Hawthorne Boulevard making it necessary for them to cross this busy street to go to and from their vehicles. He noted that he listed several errors and omissions, concerning the application, the resolutions and the recommended conditions, in the outline of his presentation included in the supplemental material. He suggested that the applicant be allowed to shift the project closer to Hawthorne Boulevard with the condition that 80 parking spaces be provided for apartment dwellers. He contended that the cost for CarMax to provide parking for displaced cars was far less than the loss in property values surrounding property owners will suffer if the project is approved.

In response to Commissioner Muratsuchi's inquiry, Deputy City Attorney Whitham advised that adverse possession, a method by which someone can acquire legal rights to property they do not own, would not apply in this case.

Mr. Wagner stated that he believed there was some kind of formal arrangement to allow apartment dwellers to park on this site otherwise Circuit City would have not have allowed this to continue. He suggested that the 44-unit apartment building at 4312 W. 180<sup>th</sup> Street would not have been approved with only 23 parking spaces unless arrangements were made for additional parking.

Deputy City Attorney Whitham advised that no evidence has been presented that apartment dwellers have a legal right to park on the subject property and if someone would like to dispute this, it would be a civil matter in which the City would not become involved.

Planning Manager Isomoto reported that staff has not found anything indicating that there was any arrangement for off-site parking in conjunction with the construction of the apartment building and, typically, such an arrangement would be a recorded condition that would show up in a title search.

Commissioner Horwich noted that building permits for the apartment building could have been issued over the counter if the project was consistent with zoning and building standards and that the project must have complied parking requirements at the time or permits would not have been issued.

Daniel Drusina, 4323 W. 180<sup>th</sup> Street, submitted a 33-page presentation detailing neighborhood concerns about the proposed project. He noted that the plans call for the closing of all driveways on Hawthorne Boulevard and creating one entrance on 180<sup>th</sup> Street, which would route all traffic onto a mainly residential street, including large trucks that would have a difficult time maneuvering on a 32-foot wide street with cars parked on both sides. He questioned whether a traffic study was conducted to determine the impact on the neighborhood.

Mr. Drusina reviewed photographs detailing the current parking situation in the neighborhood, which indicate that the streets in the vicinity are heavily parked at all times of the day and night, and maintained that the situation would worsen should this project be approved. He expressed concerns that residents would be forced to park further away from their homes, increasing pedestrian traffic and necessitating the crossing of main streets and arteries; that there would be no place to park on Tuesdays when parking is prohibited between noon and 4:00 p.m.; and that there would be no place to put trash cans out for collection on the overcrowded streets. He reviewed photographs of children playing at the nearby park and families walking and playing in the vicinity of the proposed entrance to CarMax. He contended that the proposed project was at odds with findings included in Resolution Nos. 05-104 and 05-105, which state that the proposed use would not be detrimental to the public interest, health, safety, convenience or welfare, or to the property of persons located in the area. He reviewed aerial photographs of eight auto dealerships within two miles of the subject property with one or more driveways on Hawthorne Boulevard and requested that the main entrance of the proposed dealership be moved to Hawthorne Boulevard.

Chairperson Uchima, echoed by Commissioner Guyton, commended Mr. Drusina for his well-prepared presentation.

Noting that he is very familiar with this area as he grew up in North Torrance, Commissioner Guyton expressed concerns about allowing large trucks on narrow residential streets and indicated that he favored having all driveways on Hawthorne Boulevard.

Commissioner Muratsuchi asked if staff had any suggestions regarding how to mitigate the parking impact should this project be approved, voicing his opinion that even though the property owner may not be obligated to provide parking for nearby residents, the City needs to deal with the problems this project is going to create.

Deputy City Attorney Whitham advised against holding up this project based on problems that cannot be fairly attributed to it and recommended that Commissioners consider the project on its own merits and direct staff to work with nearby apartment owners and residents to try to resolve the parking situation.

Commissioner Drevno indicated that she believed Mr. Drusina had raised legitimate concerns about the location of the driveway, which need to be addressed.

Commissioner Faulk stated that while he agreed that the property owner was not obligated to solve neighborhood parking problems, there is no doubt that problems will be created and he was having difficulty reconciling this fact with the required finding that the proposed use would not be detrimental to the public interest, health, safety, convenience or welfare, or to the property of persons located in the area.

Patrick Furey, President of Northwest Torrance Homeowners Association, expressed concerns that the homeowners association was not invited to community meetings held by the applicant. He related his understanding that Circuit City and CarMax are owned by the same company so the subject property has not changed hands. He called for continuance of this matter so a parking study could be conducted to identify ways to remediate parking problems and research could be done to determine whether a parking easement was granted for the apartments. He voiced objections to the proposal to close driveways on Hawthorne Boulevard and direct all traffic onto residential streets, and to Condition No. 7, requiring all on-site drainage to be discharged onto 180<sup>th</sup> Street, which could create to drainage problems.

Sandy Ross, 4315 W. 180<sup>th</sup> Street, reported that it's only 32 steps from Mr. Drusina's residence to the proposed driveway for the car dealership and 64 steps from hers and expressed the hope that this driveway would be moved. She noted that her residence faces the alley to the rear of the subject property and requested that this alley be well-lit to deter criminal activity. She questioned the accuracy of traffic projections. She voiced concerns that she would be impacted by noise and lighting from the dealership and asked that shrubbery/trees be planted to shield residents. She also asked that hours of construction be limited should the project go forward.

Raffy Marderossian, 4331 W. 180<sup>th</sup> Street, requested that a wall be constructed to protect residents' privacy and shield them from noise. He reported that trucks from Circuit City used to block his driveway and that he feared that the situation will be even worse with 18-wheel trucks using his street to access the dealership. He expressed concerns about the project's impact on traffic and questioned how the dealership could comply with a condition prohibiting test driving on 180<sup>th</sup> Street when the driveway would be located there.

Clifford Heise, 18425 Patronella, requested information regarding the separation required between commercial and residential properties and expressed concerns about the project's impact on the quality of life of residents to the north.

Planning Manager Isomoto advised that there are a number of areas in the City where commercial zones abut residential zones and the setback requirements vary depending on the zones involved. She noted that landscaping is proposed along the northern property line.

In response to Commissioner Guyton's inquiry, Planning Manager Isomoto confirmed that the Commission could impose a condition requiring trees and shrubs of sufficient size to protect the privacy of nearby residents.

Commissioner Muratsuchi asked about the rationale for requiring the closing of the driveway on Hawthorne Boulevard.



Associate Civil Engineer Symons reported that the applicant proposed closing the driveway on Hawthorne Boulevard and relocating the existing driveway on 180<sup>th</sup> Street after demonstrating with a template that their trucks could make it through the narrow streets and handle on-site maneuvering. He explained that staff concurred with this idea because it would enhance the flow of traffic on a major thoroughfare, however, they were not opposed to a driveway on Hawthorne Boulevard as long as it's not too close to the intersection.

Commissioner Guyton noted that the Jack-in-the-Box on 180<sup>th</sup> Street gets very congested at certain times of day and expressed concerns that traffic from the fast-food restaurant could conflict with trucks trying to make a left turn out of the dealership onto 180<sup>th</sup> Street. He reiterated his preference for having both the entrance and the exit for the dealership on Hawthorne Boulevard, stating that while he understood this configuration was not ideal, it was the lesser of two evils in this case.

Commissioner Drevno indicated that she also favored having all access for the dealership on Hawthorne Boulevard because she felt delivery trucks would be a terrible intrusion on residents directly across the street.

Robert Prudoff, 18012 Regina Avenue, commented on parking problems in the area, noting that homes in the neighborhood have only single-car garages, more than half of which have been converted into bedrooms. He stated that residents are not opposed to CarMax but believe that parking problems must be addressed.

The Commission recessed from 8:50 p.m. to 9:07 p.m.

Commissioner Horwich asked about the possibility of having all ingress/egress to the site on Hawthorne Boulevard rather than 180<sup>th</sup> Street.

Mr. Patterson, project architect, explained that the display lot is completely secure as the site is currently designed and locating a driveway on Hawthorne Boulevard would remove this added level of security.

Tony Curb, director of real estate for CarMax, proposed locating a driveway on Hawthorne Boulevard for sales traffic/test drives and moving the driveway on 180<sup>th</sup> Street closer to Hawthorne Boulevard. He noted that customers, employees, and delivery trucks would still enter and exit on 180<sup>th</sup> Street and demonstrated on a scale model of the project how this would work. He stated that this would be an improvement over the existing driveway configuration, which made it necessary for Circuit City trucks to back up on 180<sup>th</sup> Street. He expressed his willingness to construct a masonry wall along the northern property line to shield residents from the project.

Commissioner Muratsuchi asked about the possibility of having large trucks enter/exit from Hawthorne Boulevard. Mr. Curb explained that it would not be possible to maintain a secure display area with access on Hawthorne Boulevard because there is not enough room to block off a route for the trucks. He indicated that this car loss prevention strategy is unique to CarMax and they have never had a car stolen in 12 years of operation while a typical dealer loses two or three vehicles a month.

Sherwood Bresler, 4238 181<sup>st</sup> Street, stated that residents don't care about the landscaped setback on Hawthorne Boulevard and would prefer that the setback be

eliminated, shifting the project toward Hawthorne Boulevard, thereby allowing room for a parking easement of equal size at the rear of the property.

Brian Johnson, 4311 180<sup>th</sup> Street, voiced concerns about the project's impact on parking and drainage, reporting that 180<sup>th</sup> Street floods during heavy downpours. Noting his experience as a commercial truck driver, he contended that having the entrance/exit for large trucks on 180<sup>th</sup> Street would hinder emergency vehicles and maintained that the trucks would have no problem entering/exiting on Hawthorne Boulevard. He expressed concerns about speeding traffic on 180<sup>th</sup> Street and requested that traffic-calming devices, such as speed bumps, be considered.

Jesse Negrete, 4231 W. 181<sup>st</sup> Street, requested that this matter be continued so the parking issue could be more thoroughly studied and a traffic study conducted. He emphasized that this is a problem of long-standing and the owner of the subject property has never tried to stop apartment dwellers from parking on the property.

Commissioner Guyton questioned how long it would take for a traffic study to be completed. Planning Manager Isomoto explained that it would depend on the scope of the study and noted that the proposed use is expected to generate significantly less traffic than Circuit City.

Commissioner Horwich noted his agreement with the traffic assessment.

Mr. Bresler stated that it was not a matter of the volume of traffic but rather how it will be routed. He noted that ingress/egress for Circuit City was primarily on Hawthorne Boulevard, but the proposed project would ingress/egress on 180<sup>th</sup> Street.

Ms. Ross reiterated her concerns about the proposed project and urged Commissioners to visit her neighborhood and visualize an 18-wheel truck sitting in the middle of her street. She reported that CarMax mislead residents by falsely claiming that Caltrans would not allow a driveway on Hawthorne Boulevard.

Frank Yee, owner of the apartment building at 4312 180<sup>th</sup> Street, stated that his apartment building has over 40 parking spaces, not 23 spaces as some have suggested, and that tenants park in the Circuit City parking lot because it is more convenient. He reported that the applicant gained approximately 4,000 square feet by eliminating an easement that provided access to parking for apartment buildings behind the subject property; and suggested that this square footage be used to create a cut-out on Hawthorne Boulevard to provide access to the property.

In response to Chairperson Uchima's inquiry, Mr. Yee reported that there are currently 42 on-site parking spaces available for his tenants.

Responding to audience members' comments, Mr. Beverly clarified that the subject property is owned by Red Mountain Retail Group, not CarMax or Circuit City; that they have owned the property for approximately one year; and that as part of the purchase, a title report was prepared which indicated that there is no recorded easement or condition that would give any other person or entity the right to park on this property.

Mr. Beverly reported that a traffic study was done for this project, which indicates that it would generate approximately one-third of the traffic that would be generated by a retail use similar to Circuit City. He noted that Mr. Drusina's photograph detailing existing driveways was misleading because it notes only one driveway on 180<sup>th</sup> Street, when in fact there are four other driveways, including one that accesses the loading dock. He stated that the 180<sup>th</sup> Street access is more convenient for southbound traffic on Hawthorne Boulevard; that this has been the pattern for this property as evidenced by the five existing driveways on 180<sup>th</sup> Street; and that without this access, trucks traveling southbound on Hawthorne Boulevard would have to make a U-turn at 182<sup>nd</sup> Street to enter the site.

Mr. Beverly noted that with regard to light and noise, there are several conditions that address these issues and maintained that the car dealership would have less impact than Circuit City. Referring to the impact on parking, he stated that CarMax was willing to make a voluntary contribution of \$10,000 to assist in resolving this problem.

Mr. Curb clarified that traffic generation studies indicate that the dealership would generate half of the traffic generated by Circuit City and one-third of the traffic generated by a retail use that could be built on the site under the current zoning. He reported that CarMax was encouraged to eliminate driveways on Hawthorne Boulevard when the project was discussed with City staff, however, they were willing to explore this option.

Eric Nelson, representing Red Mountain Retail Group, reported that a very thorough title search was conducted in conjunction with the purchase of the property and it was determined that there are no encumbrances on the property. He stated that his company was not aware that neighbors were parking on the property and the parking lot will have to be secured due to potential liability issues.

Mr. Drusina stated that he did not dispute that CarMax would generate half the traffic that Circuit City generated, however, 100% of this traffic will now be directed down 180<sup>th</sup> Street if the project goes forward as proposed and that is a key distinction.

**MOTION:** Commissioner Faulk, seconded by Commissioner Horwich, moved to close the public hearing; voice vote reflected unanimous approval.

Commissioner Faulk stated that while he believed the City was obligated to try to find a solution to the parking problem, that was not something the Commission could resolve. He indicated that he could support the project with the following conditions: 1) That all ingress/egress to the site be on Hawthorne Boulevard; 2) That an automatic irrigation system be required for all landscaped areas, and 3) That the hours of construction be limited to Monday through Friday from 8:00 a.m. to 5:00 p.m., Saturday 8:00 a.m. to 12:00 p.m., with no construction on Sunday. For the benefit of the audience, he noted that newer lighting fixtures are lower to the ground, which prevents light from spilling over onto neighboring properties, and requested that staff make sure that there is adequate lighting in the alley to the rear of the property.

Commissioner Guyton voiced support for having all entrances/exits on Hawthorne Boulevard, stating that the safety of residents outweighs CarMax's desire to maintain a separate display lot for security reasons. He suggested that conditions be included restricting the times during which deliveries can be made and requiring trees/shrubbery of sufficient height along the north property line to protect the privacy of

neighbors. He expressed concerns about the City's ability to enforce the prohibition on the test driving of vehicles on residential streets.

Planning Manager Isomoto advised that enforcement is on a complaint basis and violations should be reported to the City's Environmental Division. She noted that the dealership must submit a test-drive route for approval by the Community Development Director.

Commissioner Drevno indicated that she concurred with her colleagues and asked about Condition No. 7, which requires all on-site drainage to be discharged onto 180<sup>th</sup> Street.

Associate Civil Engineer Symons explained that this is the current drainage pattern and run-off will be decreased with the additional landscaped area. He noted that drains for the carwash connect with the sewer.

Chairperson Uchima noted that residents have indicated that there is a flooding problem with the existing drainage pattern, and Building Regulations Administrator Segovia offered to have staff look into this matter.

Commissioner Horwich indicated that he favored having one driveway on Hawthorne Boulevard and another one on 180<sup>th</sup> Street closer to the intersection so as to impact residents on 180<sup>th</sup> Street as little as possible.

Commissioner Guyton expressed concerns that moving the driveway closer to Hawthorne Boulevard would increase the chance that trucks going in and out of the driveway would conflict with Jack-in-the-Box traffic.

A brief discussion ensued regarding the proposed conditions.

**MOTION:** Commissioner Muratsuchi moved for the approval of CUP05-00023 and DVP05-00002, as conditioned, including all findings set forth by staff, with the following modifications:

**Add**

- That all ingress and egress to the site shall be limited to Hawthorne Boulevard.
- That landscaping shall be provided along 180<sup>th</sup> Street to enhance the privacy of residential neighbors to the satisfaction of the Community Development Director.
- That the adjacent alley shall be well lit and lighting shall not be obtrusive to residential neighbors.
- That the hours of construction shall be Monday through Friday, 7:00 a.m. and 6:00 p.m., Saturday, 8:00 a.m. to 12:00 p.m., with no construction on Sunday.
- That there shall be no pick-ups, deliveries, or parking lot sweeping before 8:00 a.m. or after 8:00 p.m.

The motion was seconded by Commissioner Faulk and passed by unanimous roll call vote.

The Commission directed staff to explore possible solutions to mitigate parking problems in the neighborhood and encouraged the City to take advantage of CarMax's generous offer to provide \$10,000 for a parking study. Staff was also directed to look into drainage problems on 180<sup>th</sup> Street.

Planning Associate Santana read aloud the number and title of Planning Commission Resolution Nos. 05-104 and 05-105.

**MOTION:** Commissioner Muratsuchi moved for the adoption of Planning Commission Resolution Nos. 05-104 and 05-105 as amended. The motion was seconded by Commissioner Drevno and passed by unanimous roll call vote.

Chairperson Uchima thanked audience members for their comments and stated that he thought the Commission had done a good job of addressing their concerns.

**10E. PRE05-00014: ROSA VELAZQUEZ (PETER AND MARGARET RODRIGUEZ)**

Planning Commission consideration for approval of a Precise Plan of Development to allow one-story additions over fourteen feet in height to an existing one-story, single-family residence and the construction of a new detached garage on property located in the Hillside Overlay District in the R-1 Zone at 5648 Michelle Drive.

**Recommendation**

Approval.

Planning Associate Santana introduced the request and noted supplemental material available at the meeting.

Commissioner Horwich announced that he was abstaining from consideration of this item because he lives in close proximity and exited the dais.

Rosa Velazquez, project architect, briefly described the proposed project and voiced her agreement with the recommended conditions of approval.

Larry Grange, 20335 Tomlee Avenue, expressed support for the project, reporting that the applicants have been very good about sharing their plans with neighbors.

Charles Stanbury, 20349 Tomlee Avenue, indicated that he supports the proposed project but suggested that the setback for the detached garage be increased from 10 feet to 15 feet so a car could be parked in front of it.

**MOTION:** Commissioner Muratsuchi, seconded by Commissioner Guyton, moved to close the public hearing; voice vote reflected unanimous approval.

**MOTION:** Commissioner Muratsuchi moved for the approval of PRE05-00014, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Drevno and passed by unanimous roll call vote, with Commissioner Horwich abstaining.

Planning Associate Santana read aloud the number and title of Planning Commission Resolution No. 05-106.

**MOTION:** Commissioner Muratsuchi moved for the adoption of Planning Commission Resolution No. 05-106. The motion was seconded by Commissioner Guyton and passed by unanimous roll call vote, with Commissioner Horwich abstaining.

Commissioner Horwich returned to the dais.

**10F. PRE04-00015, WAV05-00017: MICHAEL AND CAROLYN WELLENS**

Planning Commission consideration for approval of a Precise Plan of Development to allow the construction of a new two-story, single-family residence with a semi-subterranean garage and a height Waiver to allow the structure to exceed the 27-foot height limitation on property located in the Hillside Overlay District in the R-1 Zone at 208 Paseo de Granada.

**Recommendation**

Continuance for redesign.

Planning Associate Santana introduced the request and noted supplemental material available at the meeting.

Commissioner Drevno announced that she was abstaining from consideration of this item and exited the dais.

Chairperson Uchima announced that he was abstaining from consideration of this item because of his acquaintance with someone who is protesting the project and exited the dais.

Commissioner Faulk, as Vice-Chair of the Commission, presided over the hearing on this item.

Carolyn Wellens, applicant, requested that the Commission provide some direction regarding the redesign. She explained that she and her husband are feeling very frustrated because they have tried to accommodate neighbors by downsizing the project, lowering it into the ground, repositioning it on the lot, and changing the location of windows, but they have not been able to find an acceptable solution. She stated that some of their neighbors have refused to communicate with them and they don't have a clear picture of what the Hillside Ordinance requires.

Susie Park, 225 Calle de Madrid, stated that she did cooperate with the Wellens by letting them into her home three times and explained that she only wants to preserve the view from the master bedroom and one other bedroom.

Walter Jones, 212 Paseo de Grenada, voiced support for the proposed project, stating that he believes it will improve the neighborhood.

Carol Boswell, 229 Calle de Madrid, stated that she has lived in her home for 26 years and the proposed project would entirely block her view.

Quyen Gibson, 233 Calle de Madrid, reported that the proposed project has undergone several revisions but the Wellens still have not addressed the impact on her view. She urged that the applicants be required to come up with a design that does not impact her view, light, air, or privacy or devalue her property.

Warren Hughes, 213 Calle de Madrid, stated that he recently purchased this property so he could escape over-building in Manhattan Beach and he specifically purchased in the Hillside Overlay because of the protection it offers.

Michael Wellens, applicant, reiterated his wife's request for direction, explaining that neighbors' unwillingness to cooperate have made it very difficult to determine the impact of design changes until the silhouette is erected and letters of protest start to arrive. He voiced his opinion that the Hillside Ordinance was intended to create a level playing field where everybody has more or less the same rights and that someone who has been allowed to build a second story should not become king of the hill, holding all streets below hostage.

Returning to the podium, Ms. Park reported that staff has given the Wellens direction but they have not heeded it.

Ken Gibson, 233 Calle de Madrid, expressed concerns about the view loss he has suffered due to various remodeling projects in the area. He maintained that the Wellens' revised plans were no improvement over the original plans and questioned the sincerity of their efforts to cooperate with neighbors.

Commissioner Muratsuchi expressed the hope that neighbors would allow the Wellens to visit their homes so they could see the project's impact and make the necessary corrections.

**MOTION:** Commissioner Horwich, seconded by Commissioner LaBouff, moved to close the public hearing; voice vote reflected unanimous approval.

Commissioner Horwich reported that he did observe that the project would have a significant impact on the views of neighbors and suggested that the applicants consider the recommendations in the staff report to mitigate this impact. He also suggested that the applicant explore ways of reducing the height of the structure so the Waiver of the height limit would not be necessary and consider eliminating the deck in order to address privacy concerns.

Commenting on how view impact is judged, Commissioner Muratsuchi stated that, in his opinion, there is a hierarchy of views, with ocean views being the most valuable followed by city-light views, and that views of other houses and trees rank far down the scale. He stated that he did not believe the applicant had provided adequate justification for exceeding an FAR of .50 as required in TMC 91.41.11 and indicated that he would not support a project that exceeds this limit unless the applicant can demonstrate that being confined to an FAR of .50 constitutes an unreasonable hardship.

Commissioner Faulk reported that he visited the three homes most impacted and observed that the project would have a significant impact on views. He commented on the difficulty of explaining the Hillside Ordinance because a project's impact on view is a

matter of subjective judgment and noted his agreement with Commissioner Muratsuchi's remarks in terms of the ranking of views. He stated that while neighbors do not have the ability to approve or disapprove a project, he felt it was very important for the applicants to look at the project from the perspective of those who are directly affected and adjust the design accordingly in order to arrive at a project acceptable to the Commission. He noted that this would likely involve grading down further into the slope, changing the roof design and reducing plate heights.

**MOTION:** Commissioner Horwich moved to continue the hearing to September 21, 2005. The motion was seconded by Commissioner Muratsuchi and passed by unanimous roll call vote (absent Commissioner Drevno and Chairperson Uchima).

Commissioner Faulk suggested that the applicants might want to wait before having the new silhouette certified until after they have viewed the flags from affected residences to ensure that no further adjustments are needed.

Commissioner Drevno and Chairperson Uchima returned to the dais.

At the request of City Attorney Whitham, Commissioner Drevno clarified that she abstained from consideration of this item because she knew several of the people involved.

**11. RESOLUTIONS**

None.

**12. PUBLIC WORKSHOP ITEMS**

None.

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Planning Manager Isomoto requested that Commissioners make an exception to their policy of not considering new items after 11:00 p.m. so the following item could be heard, and it was the consensus of the Commission to do so.

**13. MISCELLANEOUS ITEMS**

**13A. MIS05-00167: STANDARD PACIFIC HOMES (TOM PARADISE)**

Planning Commission consideration of a Miscellaneous Permit to allow the City to enter into a Development Agreement with the applicant governing the development of a previously approved townhome and senior condominium project on property located in the PD zone at 1780-1922 Oak Street and 2367 Jefferson Street.

**Recommendation**

Approval.



Planning Associate Santana introduced the request and noted supplemental material available at the meeting

Tom Paradise, representing the applicant, explained that the City has requested an additional three-foot right-of-way dedication along Jefferson Street and the proposed Development Agreement would facilitate the dedication. He voiced his agreement with the recommended conditions of approval.

**MOTION:** Commissioner Horwich, seconded by Commissioner Guyton, moved to close the public hearing; voice vote reflected unanimous approval.

Commissioner Muratsuchi questioned whether the Development Agreement includes any changes to the previously approved project.

Planning Manager Isomoto advised that the senior condominium building had to be shifted three feet to the north due to the vacation, which resulted in a reduction in the rear yard setback from 10 feet to 7 feet.

**MOTION:** Commissioner Horwich, seconded by Commissioner Guyton, moved to close the public hearing; voice vote reflected unanimous approval.

**MOTION:** Commissioner Horwich moved recommend that the City Council approve MIS05-00167. the motion was seconded by Commissioner Muratsuchi and passed by unanimous roll call vote.

#### **14. REVIEW OF CITY COUNCIL ACTION ON PLANNING MATTERS**

None.

#### **15. LIST OF TENTATIVE PLANNING COMMISSION CASES**

Planning Manager Isomoto reviewed the agenda for the Planning Commission meeting of August 17, 2005

#### **16. ORAL COMMUNICATIONS**

**16A.** Commissioner Horwich commended Chairperson Uchima for doing an excellent job of curtailing discussion when it veered away from the projects under consideration.

**16B.** Commissioner Guyton requested an excused absence from the August 24 meeting.

Commissioner Horwich, seconded by Chairperson Uchima, so moved; voice vote reflected unanimous approval.

**16C.** Commissioner Guyton asked that staff look into the lack of air conditioning in Council Chambers.

**16D.** Chairperson Uchima requested an excused absence for the meeting of September 7 and Commissioner Drevno requested excused absences for the meetings of September 14 and 21.

Commissioner Guyton, seconded by Commissioner Horwich, so moved; voice vote reflected unanimous approval.

**17. ADJOURNMENT**

At 11:25 p.m., the meeting was adjourned to Wednesday, August 17, 2005 at 7:00 p.m.

Approved as Written September 21, 2005 s/ Sue Herbers, City Clerk
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